

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA
v.
LUIS CONTRERAS

|
No. 18 CR 719
Judge Matthew F. Kennelly

SUPPLEMENTAL PROTECTIVE ORDER GOVERNING DISCOVERY

Upon the agreed motion of the government, pursuant to Fed. R. Crim. P. 16(d) and 18 U.S.C. § 3771(a)(1) and (8), it is hereby ORDERED:

1. This protective order supplements the prior protective order issued governing this matter on October 31, 2018.
2. All of the Rule 3500 material provided by the United States in preparation for, or in connection with, defense counsel's preparation of mitigation materials to present to the United States Attorney's Office or the Department of Justice (collectively, the "Early Rule 3500 Materials") are subject to this protective order and may be used by defendant's counsels solely in connection with mitigation preparation and the defense of this case, and for no other purpose, and in connection with no other proceeding, without further order of this Court.
3. The Early Rule 3500 Materials are "Attorney's Eyes Only," produced to counsels of record for the above-named defendant (the "authorized person"). One copy of the Rule 3500 Materials shall be provided on CD-ROM or DVD to each authorized person. The Rule 3500 Materials shall be plainly marked as "Attorney's Eyes Only" by the government prior to disclosure. For written materials, the pages that are

Attorney's Eyes Only will be individually marked. For other items, such as audio or video recordings, the media containing those recordings will also be individually marked.

4. Authorized persons shall not disclose the Early Rule 3500 Materials or their contents, directly or indirectly, or in any form, including verbal, to any person that is not an authorized person, including but not limited to the defendant, experts, consultants, or anyone associated with defendant.

5. Authorized persons may print the Early Rule 3500 Materials for defense files. Any printed copy of the Early Rule 3500 Materials must remain in the sole possession of the authorized persons. The Early Rule 3500 Materials cannot otherwise be reproduced or transferred by any other means from the CD-ROM or DVD provided by the government.

6. If any of the Rule 3500 Materials is stolen, lost, or otherwise misplaced for any length of time, authorized persons must immediately report the incident to the Court and the government.

7. Within three weeks of the Attorney General's decision whether or not to seek the death penalty, the authorized persons will return all discs containing the Early Rule 3500 Materials to the government. Any printed copies of the Rule 3500 Materials must simultaneously be either (1) destroyed or (2) submitted to the Court *ex parte* for disposal by the Court. The government may elect to permit authorized persons to retain Early 3500 Materials for trial preparation by providing written authorization to do so within that three week time period. Any such retained Early

3500 Material is designated as “Sensitive Information” as delineated in paragraph 1 of the Protective Order Governing Discovery (Docket No. 19) and governed by the contents of that order.

8. To the extent any Rule 3500 Materials are produced by the United States to defendant or defendant’s counsel by mistake, the United States shall have the right to request the return of the Rule 3500 Materials and shall do so in writing. Within five days of the receipt of such a request, defendants and/or defendants’ counsel shall return all such Rule 3500 Materials if in hard copy, and in the case of electronic Rule 3500 Materials, shall certify in writing that all copies of the specified Rule 3500 Materials have been deleted from any location in which the material was stored.

9. Nothing contained in this Order shall preclude any party from applying to this Court for further relief or for modification of any provision hereof.

ENTER:



MATTHEW F. KENNELLY
District Judge
United States District Court
Northern District of Illinois

Date: 4/29/2021